HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.20457 of 2004

Dated 22nd Day of October, 2007

Between:

Nellore Madhusudhan Reddy
and another .. Petitioners

And

The Superintending Engineer
Transco Line Construction,
Kothur Sub-Station, Kothur,
Nellore Rural Mandal,
Nellore District
and two others .. Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in erecting electric poles and laying new electric overhead lines in the petitioners' lands in an extent of Ac.8.00 cents of land in S.Nos.2084/1 and 2084/2 situated in Kottur village, as arbitrary and illegal.

The petitioners assert that they are the absolute owners of Ac.08.00 cents of land in S.Nos.2084/1 and 2084/2 situated in Kottur village, Nellore District, by virtue of an Agreement of Sale dated 18.10.2004. Now, their grievance is that the respondents are erecting electric poles and laying electric overhead lines in their land without obtaining prior approval from the Government as contemplated under Section 68 of the Electricity Act, 2003.

The 3rd respondent has filed counter affidavit stating that the respondents took the approval of the Government and the same was published in the A.P. State Gazette dated 19.9.2002 and the laying of electric overhead lines was also completed and electric lines were charged on 31.3.2005.

In the light of the averments of the counter affidavit, this Court is of the view that this writ petition deserves to be dismissed, and accordingly the same is dismissed. No costs.

_____

22.10.2007

bcj